

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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THERESA BROOKE, a married
woman dealing with her sole
and separate claim,

Plaintiff,

v.

VENTURE OAKS HOTEL LLC, a
California limited liability
company dba SpringHill Suites
Natomas,

Defendant.

NO. 2:20-cv-01028-WBS-CKD

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STATUS (PRETRIAL SCHEDULING) ORDER

Pursuant to defendant's Objection to VDRP Referral
(Docket No. 16), that portion of the December 9, 2020, Order
(Docket No. 15) referring this case to VDRP is hereby VACATED.

After reviewing the parties' Joint Status Report, the
court hereby vacates the Status (Pretrial Scheduling) Conference
scheduled for April 12, 2021, and makes the following findings

1 and orders without needing to consult with the parties any
2 further.

3 I. SERVICE OF PROCESS

4 All defendants have been served, and no further service
5 is permitted without leave of court, good cause having been shown
6 under Federal Rule of Civil Procedure 16(b).

7 II. JOINDER OF PARTIES/AMENDMENTS

8 No further joinder of parties or amendments to
9 pleadings will be permitted except with leave of court, good
10 cause having been shown under Federal Rule of Civil Procedure
11 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
12 (9th Cir. 1992).

13 III. JURISDICTION/VENUE

14 Jurisdiction is predicated upon 28 U.S.C. § 1331,
15 because plaintiff raises claims under the Americans with
16 Disabilities Act ("ADA"), 42 U.S.C. § 12101 et seq. and the
17 regulations implementing the ADA set forth at 28 C.F.R. §§ 36.101
18 et seq. The court has supplemental jurisdiction over the state
19 law claims under 28 U.S.C. § 1367. Venue is undisputed and hereby
20 found to be proper.

21 IV. DISCOVERY

22 The parties agree to serve the initial disclosures
23 required by Federal Rule of Civil Procedure 26(a)(1) on or before
24 January 8, 2021.

25 The parties shall disclose experts and produce reports
26 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
27 later than November 8, 2021. With regard to expert testimony
28 intended solely for rebuttal, those experts shall be disclosed

1 and reports produced in accordance with Federal Rule of Civil
2 Procedure 26(a)(2) on or before December 6, 2021.

3 All discovery, including depositions for preservation
4 of testimony, is left open, save and except that it shall be so
5 conducted as to be completed by January 28, 2022. The word
6 "completed" means that all discovery shall have been conducted so
7 that all depositions have been taken and any disputes relevant to
8 discovery shall have been resolved by appropriate order if
9 necessary and, where discovery has been ordered, the order has
10 been obeyed. All motions to compel discovery must be noticed on
11 the magistrate judge's calendar in accordance with the local
12 rules of this court and so that such motions may be heard (and
13 any resulting orders obeyed) not later than January 28, 2022.

14 V. MOTION HEARING SCHEDULE

15 All motions, except motions for continuances, temporary
16 restraining orders, or other emergency applications, shall be
17 filed on or before February 28, 2022. All motions shall be
18 noticed for the next available hearing date. Counsel are
19 cautioned to refer to the local rules regarding the requirements
20 for noticing and opposing such motions on the court's regularly
21 scheduled law and motion calendar.

22 VI. FINAL PRETRIAL CONFERENCE

23 The Final Pretrial Conference is set for May 9, 2022,
24 at 1:30 p.m. in Courtroom No. 5. The conference shall be
25 attended by at least one of the attorneys who will conduct the
26 trial for each of the parties and by any unrepresented parties.

27 Counsel for all parties are to be fully prepared for
28 trial at the time of the Pretrial Conference, with no matters

1 remaining to be accomplished except production of witnesses for
2 oral testimony. Counsel shall file separate pretrial statements,
3 and are referred to Local Rules 281 and 282 relating to the
4 contents of and time for filing those statements. In addition to
5 those subjects listed in Local Rule 281(b), the parties are to
6 provide the court with: (1) a plain, concise statement which
7 identifies every non-discovery motion which has been made to the
8 court, and its resolution; (2) a list of the remaining claims as
9 against each defendant; and (3) the estimated number of trial
10 days.

11 In providing the plain, concise statements of
12 undisputed facts and disputed factual issues contemplated by
13 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims
14 that remain at issue, and any remaining affirmatively pled
15 defenses thereto. If the case is to be tried to a jury, the
16 parties shall also prepare a succinct statement of the case,
17 which is appropriate for the court to read to the jury.

18 VII. TRIAL SETTING

19 The jury trial is set for July 12, 2022 at 9:00 a.m.

20 VIII. SETTLEMENT CONFERENCE

21 A Settlement Conference will be set at the time of the
22 Pretrial Conference. All parties should be prepared to advise
23 the court whether they will stipulate to the trial judge acting
24 as settlement judge and waive disqualification by virtue thereof.

25 Counsel are instructed to have a principal with full
26 settlement authority present at the Settlement Conference or to
27 be fully authorized to settle the matter on any terms. At least
28 seven calendar days before the Settlement Conference counsel for

1 each party shall submit a confidential Settlement Conference
2 Statement for review by the settlement judge. If the settlement
3 judge is not the trial judge, the Settlement Conference
4 Statements shall not be filed and will not otherwise be disclosed
5 to the trial judge.

6 IX. MODIFICATIONS TO SCHEDULING ORDER

7 Any requests to modify the dates or terms of this
8 Scheduling Order, except requests to change the date of the
9 trial, may be heard and decided by the assigned Magistrate Judge.
10 All requests to change the trial date shall be heard and decided
11 only by the undersigned judge.

12 IT IS SO ORDERED.

13 Dated: December 16, 2020



14 WILLIAM B. SHUBB
15 UNITED STATES DISTRICT JUDGE
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